



**FOREST SERVICE HANDBOOK
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FSH 1909.12 – LAND MANAGEMENT PLANNING HANDBOOK

CHAPTER 80 – WILD AND SCENIC RIVER EVALUATION

Amendment No.: 1909.12-2006-8

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Approved: FREDERICK NORBURY
Associate Deputy Chief

Date Approved: 01/09/2006

Posting Instructions: Amendments are numbered consecutively by Handbook number and calendar year. Post by document; remove the entire document and replace it with this amendment. Retain this transmittal as the first page(s) of this document. The last amendment to this Handbook was 1909.12-2006-7 to 1909.12_60.

New Document	1909.12_80	44 Pages
Superseded Document(s) by Issuance Number and Effective Date	!1909.12,8 Contents (Amendment 1909.12-92-1, 08/03/1992) 1909.12,8 (Amendment 1909.12-92-1, 08/03/1992) id_1909.12-2005-9, 03/23/2005	1 Page 26 Pages 34 Pages

Digest:

Notice of issuance of this directive was published in the Federal Register on January 31, 2006 (71 FR 5124).

Recodes chapter (parent text) from a 1-digit chapter to a 2-digit chapter. Interim directive (ID) 1909.12-2005-9 was issued using the 2-digit coding scheme. Revises and updates the direction previously contained in the parent text.

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Digest--Continued:

8.01 – Removes authority section because it duplicates the authority section in FSM 1924.

8.1 – 8.14 – Recaptions to sections 81 – 81.3. Revises direction to focus solely on the identification process as the first step in river study. Moves the direction on designation to a separate and new section, 85 – Designation (formerly in parent text).

8.2 – 8.23 – Recaptions to sections 82 – 82.52. Provides direction on interim management of study rivers (formerly in parent text at sections 8.12 to 82.5).

8.3 – 8.33 - Recaptions to sections 83 – 83.3. Clarifies direction and describes it in terms of the study process instead of the study report (formerly in parent text).

8.4 – 8.42 – Recaptions to sections 84 – 84.23 (formerly in parent text).

81.1 – Incorporates direction concerning the two means by which rivers are identified for study (formerly in ID).

81.2 – Incorporates direction (formerly in ID). Revises the caption from “Interim Management of Study Rivers” to “Study Rivers and Land Management Planning.” Sets forth requirements for a comprehensive identification process to identify potential Wild and Scenic Rivers in the land management planning process. Clarifies sources of identification to more accurately reflect the scope (for example, not limited to Nationwide Rivers Inventory, but rivers identified both internally and externally). Adds paragraph to clarify the conditions under which elements of the river study process need to be revisited at time of land management plan revision. Identifies the importance of documentation (formerly in ID). Moves the content of section 8.12 – Interim Management of Study Rivers to section 82.5 and combines with portions of section 8.2 (formerly in parent text).

81.3 – Incorporates direction (formerly in ID 1909.12-2005-9). Revises the caption for section 8.13 from “Establishing Study River Boundaries” to section 81.3, “Establishing Study River Termini and Area Boundaries.” Incorporates majority of text from section 8.13 (formerly in parent text). Adds guidance for determining termini in concert with ecosystem management principles and establishing corridor area.

82 – Incorporates direction (formerly in ID 1909.12-2005-9). Retains first sentence and enumerated items 1, 2, and 3 of section 8.2 (formerly in parent text). The interim management guidelines discussion was moved to FSM 1924.2 (formerly in ID) and is now moved back to section 82.5 of this handbook amendment.

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82.1 – Incorporates direction (formerly in ID 1909.12-2005-9). Adds discussion to clarify that eligibility is not a decision; rather, an inventory process.

82.11 – Incorporates direction (formerly in ID 1909.12-2005-9). Changes code from 8.21a (formerly in parent text). Makes minor revision to clarify that division into segments may be necessary to determine eligibility, based on consideration of enumerated factors.

82.12 – Changes code from 8.21b (formerly in parent text).

82.13 – Incorporates direction (formerly in ID 1909.12-2005-9). Moves the content of section 8.21d (formerly in parent text) to this section to follow section 82.12 – Free-Flowing. Removes the reference to sections 16(a) and 16(b) of Wild and Scenic River Act—neither addresses the quantity of flow. Moves content of section 8.21c– “Outstandingly Remarkable Values” (formerly in parent text) to section 82.14.

82.14 – Incorporates direction (formerly in ID 1909.12-2005-9). Substantially revises section 8.21c (formerly in parent text) to reflect contemporary eligibility process, consistent with guidance of other federal river-administering agencies.

82.14a – Incorporates direction (formerly in ID 1909.12-2005-9). Adds a section with caption of “Eligibility Criteria” that includes criteria for assessing each outstandingly remarkable value as part of the determination of eligibility to increase consistency within the agency, and with guidance of other federal river-administering agencies.

82.2 – Incorporates direction (formerly in ID 1909.12-2005-9). Moves direction on ineligible rivers in section 8.32 (formerly in parent text) to more accurately sequence it in the Wild and Scenic River study process. Change allows the removal of wording of section 8.21e – Ineligible Rivers (formerly in parent text). Moves section 8.22 – Classification (formerly in parent text) to section 82.3.

82.21 – Incorporates direction (formerly in ID 1909.12-2005-9). Establishes a new code with caption of “Legislatively Mandated Study” and incorporates the content of section 8.32a (formerly in parent text) with added sentence to indicate the review/transmittal role of the Washington Office for a legislatively mandated study that has been determined ineligible.

82.22 – Incorporates direction (formerly in ID). Establishes a new code and caption, “Forest Service Identified Study” and incorporates the content of section 8.32b (formerly in parent text). Sets forth requirement that documentation under the 2005 planning rule shall be in the “plan set of documents” in this section and throughout the chapter.

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82.3 – Incorporates direction (formerly in ID). Establishes a new code and caption, “Classification.” Incorporates direction from section 8.22 (formerly in parent text) and adds the classification guidelines table from the United States Department of Agriculture and the Department of the Interior Guidelines (USDA-USDI Guidelines) for convenience of user. Removes reference to chapter 9 (formerly in parent text). Moves content of section 8.23 – “Suitability” (formerly in parent text) to section 82.5.

82.4 – Establishes a new code and caption, “Suitability.” Incorporates direction on “suitability” from section 8.23 (formerly in parent text). In addition, significantly revises section 8.23 (formerly in parent text) and expands it to better describe suitability, consistent with guidance of other federal river-administering agencies. This section was section 82.5 (formerly in ID).

82.41 – Establishes a new code and caption, “Basis for Suitability” and incorporates direction on the suitability factors to reflect contemporary study models and incorporate the importance of input from federal, state, local and tribal governments, and the public. Incorporates direction (formerly in ID, section 82.51).

82.5 – Establishes a new code and caption, “Interim Management of Eligible or Suitable Rivers” and incorporates direction from section 8.12 (formerly in parent text). Incorporates the qualifying text regarding the extent of Forest Service authority from enumerated paragraph 1 to introduction. In enumerated paragraph 1, adds “water resources projects.” Removes reference in enumerated paragraph 2 to enhancement. In enumerated paragraph 3, adds clarification that Forest Service identified study rivers may be managed at the recommended rather than inventoried classification if the suitability study/recommendation is complete. Revises to clarify maintaining classification of legislatively mandated and Forest Service identified study rivers, respectively.

82.51 – Establishes a new code and caption, “Management Guidelines for Eligible or Suitable Rivers.” Significantly revises section 8.2 (formerly in parent text) to clearly identify statutory protection afforded to legislatively mandated studies, correct errors, add greater clarity, and make consistent with the USDA-USDI Guidelines and FSM 2354. Also, reorganizes the presentation to show similarity or differences by classification in each topic area. In addition, adds “wildland fire use” and “historic range of variability” to enumerated paragraph 9 (Vegetation Management, Wild).

82.52 – Establishes a new code with caption of “Land Management Plan Guidance” and sets forth requirements for land management plans to include plan components to provide interim management of eligible or suitable rivers.

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83 – Incorporates direction (formerly in ID). Changes caption from “The Study Report” to “The Study Process.” Removes section 8.3, paragraph 2 and moves section 8.3, paragraph 3 (formerly in parent text) creating two separate sections: 83.1 – “Wild and Scenic River Study in Land Management Plan” and 83.2 – “Wild and Scenic River Study Separate from Land Management Plan.”

83.1 – Incorporates direction (formerly in ID). Establishes a new code and caption, “Wild and Scenic River Study in Land Management Plan.” Incorporates majority of first two paragraphs of section 8.14 (formerly in parent text). Revises text to conform to sections 81.1 and 81.2. Retains guidance that the preferred process is to complete the entire study process in the land management plan, except where circumstances deem it advisable to delay and complete as a separate process. Describes when a legislatively mandated study may be conducted in a plan revision. The description of situations in which a river is only partly on National Forest System land is moved to new section 83.3 – “Joint Study.” Revises content of section 8.31 (formerly in parent text) and moves it to section 83.2. Revises direction so that legislatively mandated study may be included in revised plans using the procedures of the 2005 planning rule when consistent with requirements of the Wild and Scenic Rivers Act and guidance for National Environmental Policy Act (NEPA) documentation in FSH 1909.15.

83.11 – Incorporates direction (formerly in ID). Establishes a new code and caption, “Wild and Scenic River Suitability Study in Land Management Plan.” Sets forth requirements on how to include Wild and Scenic River suitability in the land management planning process. Clarifies the role of the land management plan environmental impact statement (EIS) (47 FR 43026, as amended—1982 planning rule) or plan set of documents (70 FR 1023—2005 planning rule) in the documentation of the Wild and Scenic River suitability process.

83.12 – Incorporates direction (formerly in ID). Establishes a new code and caption of “Contents of Wild and Scenic River Appendix.” Sets forth the minimum content to be included in a Wild and Scenic River appendix to the land management plan EIS (1982 planning rule) or plan set of documents (2005 planning rule) and clarifies its later use as a component in a legislative proposal for designation. Changes the requirement to accompany study reports with specific environmental documents with “applicable NEPA document,” and refers the reader to the Environmental Policy and Procedures Handbook (FSH 1909.15). This change is made throughout the remainder of this handbook for a legislative proposal made under the 2005 planning rule.

83.2 – Incorporates direction (formerly in ID). Establishes a new code and caption, “Wild and Scenic River Suitability Study Separate from the Land Management Plan.” Incorporates much of section 8.33(b) (formerly in parent text). Removes section 8.33(a) – “Summary” (formerly in parent text). However, replaces requirement for an EIS to support suitability study conducted separately from the land management planning process to the “applicable NEPA document,” and

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refers the user to the FSH 1909.15, Environmental Policy and Procedures Handbook. This change is made throughout the remainder of this handbook for suitability study conducted separately from the land management planning process as directed by Congress or identified by the Agency. Specific references to Council on Environmental Quality (CEQ) regulations for preparing an EIS were deleted or broadened to match change to “applicable NEPA document.” In addition, adds qualifier to paragraph 1 that, in addition to the study period, other specific statutory requirements must be met in order to combine legislatively mandated study with other such study for Forest Service identified study rivers.

83.21 – Incorporates direction (formerly in ID). Establishes a new code and caption of “Purpose and Need for Action – Chapter 1.” Incorporates with revisions content from section 8.33c (formerly in parent text) to provide two alternative types of proposed actions to meet intent of National Environmental Policy Act (NEPA). Describes programmatic analysis. Moves content of section 8.32a (formerly in parent text) to section 82.21.

83.22 – Incorporates direction (formerly in ID). Establishes a new code and caption, “Description of Area – Chapter II.” Incorporates content of section 8.33d (formerly in parent text). Moves content of section 8.32b (formerly in parent text) to section 82.22.

83.23 – Incorporates direction (formerly in ID). Establishes a new code and caption, “Findings of Eligibility and Classification – Chapter III.” Incorporates content of section 8.33e (formerly in parent text).

83.24 – Incorporates direction (formerly in ID). Establishes a new code and caption, “Alternatives – Chapter IV.” Incorporates direction based on text in section 8.33f (formerly in parent text) with improved discussion of NEPA requirements.

83.25 – Incorporates direction (formerly in ID). Establishes a new code and caption, “Environmental Consequences – Chapter V.” Incorporates direction from section 8.33g (formerly in parent text) with sentence added to relate to NEPA requirements.

83.26 – Incorporates direction (formerly in ID). Establishes a new code and caption, “Distribution of the Report – Chapter VI.” Adds new direction based on section 8.33h (formerly in parent text); but coded into three sections: 83.26 – “Distribution of Report”; Chapter VI; 83.27 – “List of Preparers,” Chapter VII; and 83.28 – “Appendix,” with reference to NEPA guidance in FSH 1909.15, chapter 20.

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83.27 – Incorporates direction (formerly in ID). Establishes a new code and caption, “List of Preparers,” Chapter VII. Adapts direction from section 8.33h (formerly in parent text).

83.28 – Incorporates direction (formerly in ID). Establishes a new code and caption, “Appendix.” Adapts direction from section 8.33h (formerly in parent text).

83.3 – Incorporates direction (formerly in ID). Establishes a new code and caption, “Joint Study.” Incorporates direction from section 8.14 (formerly in parent text) to reduce redundancy. Partially incorporates the content of section 8.33 (formerly in parent text). However, now the content of the study report appears in sections 82.5 and 83.2. Edits direction to clarify that this section applies to Forest Service identified study rivers only.

84 – Incorporates direction (formerly in ID). Revises the review and approval process depending only on whether the study is initiated by the Forest Service (sec. 5(d)(1) of the Wild and Scenic Rivers Act, October 2, 1968,) (the act) or legislated by Congress (sec. 5(a) of the act). Modifies the original introductory paragraph to reflect combined study report/NEPA document. Recognizes differences between 1982 and 2005 planning rules. Revises original paragraph 3 to include direction for 5(d)(1) and 5(a) studies that do not recommend any river segments for designation. Moves paragraph 2 (formerly in parent text) to end of section 84.

84.1 – Incorporates direction (formerly in ID). Establishes a new code and caption, “Forest Service Identified Study.” Incorporates introduction to section 8.41 (formerly in parent text) to address Forest Service initiated study only-conducted in the land management planning process.

84.11 – Incorporates direction (formerly in ID). Establishes a new code and caption, “Proposals Resulting from Land Management Plan,” without any text. Establishes new sections 84.11a and 84.11b to require review and approval when Forest Service initiated studies are conducted during land management planning process.

84.11a – Establishes a new code and caption, “Evaluation.” Partially incorporates enumerated paragraphs 1, 2, and 3 of section 8.41 (formerly in parent text). Provides direction in enumerated paragraph 2 to incorporate results of Wild and Scenic River study in the record of decision (ROD) and EIS (1982 planning rule) or plan approval document and plan set of documents (2005 planning rule). Corrects land management plan effective date in paragraph 3.

84.11b – Incorporates direction (formerly in ID). Establishes a new code and caption, “Agency Recommendation.” Incorporates direction from enumerated paragraphs 4, 5, and 6 of section 8.41 (formerly in parent text). Enumerated paragraph 1 clarifies how to prepare the applicable NEPA document for Wild and Scenic River recommendations under the 1982 and 2005 planning

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rules. Combines and revises enumerated paragraphs 4 and 5 of section 8.41 (formerly in parent text) to detail the contents of a legislative proposal and requirements for region to work with Director, Legislative Affairs Staff, Washington Office. Adds reference to section 84.23, exhibit 01 in enumerated paragraph 2. Last paragraph of section 84.11b contains enumerated paragraph 6 of section 8.41 (formerly in parent text).

84.11b – Incorporates direction (formerly in ID). Establishes exhibit 01 that incorporates, with change, section 8.41, exhibit 02 (formerly in parent text) into a contemporary format for the summary information document. Removes section 8.41, exhibit 01 (formerly in parent text).

84.12 – Establishes a new code and caption, “Proposals Resulting from Separate Study,” without any text. Establishes new sections 84.12a and 84.12b, to describe requirements of Forest Service initiated study when conducted separate in time from land management planning.

84.12a – Establishes a new code and caption, “Evaluation.” Sets forth requirements to allow completion of Forest Service initiated study conducted separately in time from land management plan with same qualifying language as in 84.11a enumerated paragraph 2.

84.12b – Establishes a new code and caption, “Agency Recommendations” with direction that is very similar to that in section 84.11b. Adds “upon request of the Chief” to introductory paragraph. Combines and revises enumerated paragraphs 4 and 5 from section 8.41 (formerly in parent text) to specifically detail the contents of a legislative proposal and requirements for Region to work with Director, Legislative Affairs Staff, Washington Office. Adds reference to section 84.23, exhibit 01 in enumerated paragraph 1. Contains the text of enumerated paragraph 6 from section 8.41 (formerly in parent text).

84.2 – Establishes a new code and caption, “Legislatively Mandated Study,” without text. Establishes new sections 84.21, 84.22, and 84.23 based on section 8.42 (formerly in parent text) to outline steps in completing a legislatively mandated study (sec. 5(a) of the act).

84.21 – Establishes a new code and caption, “Study Report and Applicable National Environmental Policy Act Document.” Retains with name change Director, Wilderness and Wild and Scenic Rivers Staff, Washington Office review of applicable NEPA document for the Chief and refers the reader to FSH 1909.15, Environmental Policy and Procedures Handbook. Clarifies specific requirements of section 4(b) of the act and the roles of the Directors, Wilderness and Wild and Scenic Rivers Staff, and Ecosystem Management Coordination Staff, Washington Office. Removes enumerated paragraphs 3 and 4 of section 8.42 (formerly in parent text).

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84.22 – Incorporates direction (formerly in ID). Establishes a new code and caption, “Public Notice and Comment.” Combines enumerated paragraphs 5 and 6 from section 8.42 (formerly in parent text). Requires two copies of preliminary final study report/applicable NEPA document to be sent to the Director, Wilderness and Wild and Scenic Rivers Staff, Washington Office for review/approval to print.

84.23 – Incorporates direction previously contained in interim directive number 1909.12-2005-9. Establishes a new code and caption, “Approval Process.” Clarifies enumerated paragraph 7 of section 8.42 of parent text specifically referencing the summary information document in section 84.11b, exhibit 01. Specifies that draft transmittal letter is the decision document.

84.23a – Incorporates direction (formerly in ID). Establishes a new code and caption, “Office of Management and Budget Coordination.” Slightly modifies enumerated paragraph 8 of section 8.42 (formerly in parent text) to clarify that Director, Legislative Affairs Staff, Washington Office works with the region in preparation of proposed legislation. Also, specifies that the Secretary transmits proposal to the Office of Management and Budget (OMB). Contains the majority of text of enumerated paragraph 9 from section 8.42 (formerly in parent text). Combines and clarifies text in enumerated paragraphs 10, 11 and 12 of section 8.42 (formerly in parent text). Contains text of enumerated paragraph 13 of section 8.42 (formerly in parent text).

84.23, Exhibit 01 – Incorporates direction (formerly in ID). Removes previous exhibit at section 8.42 of parent text and replaces it in its entirety with a more contemporary transmittal letter for a legislatively mandated study.

85 – Incorporates direction (formerly in ID). Adds new section “Designation” with portions of text from section 8.1 (formerly in parent text). Focuses exclusively on designation and recognizes federal river-administering agencies other than the Forest Service.

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This chapter describes the process for identifying and evaluating potential additions to the National Wild and Scenic Rivers System on National Forest System (NFS) lands pursuant to the Wild and Scenic Rivers Act of October 2, 1968, as amended (FSH 1909.12, ch. 90).

81 – IDENTIFICATION OF RIVERS FOR WILD AND SCENIC RIVER STUDY

81.1 – Identification of Study Rivers

Rivers are identified for study for potential inclusion in the National Wild and Scenic Rivers System (National System) by one of two means:

1. Identification by Congress under section 5(a) of the Wild and Scenic Rivers Act of October 2, 1968 (act) directing a federal agency to study a river.
2. Identification for study by the Secretary of Agriculture or the Secretary of the Interior under section 5(d)(1) of the act.

81.2 – Study Rivers and Land Management Planning

The land management planning process shall include a comprehensive evaluation of the potential for rivers in an administrative unit to be eligible for inclusion in the National System. Sources for identifying the significance of river-related values include the Nationwide Rivers Inventory; state river assessments; identification by Tribal governments, other federal, state, or local agencies; and the public.

If a systematic inventory of eligible rivers or a comprehensive forest, grassland, prairie, or other comparable administrative unit-wide suitability study has been previously completed and documented, additional assessment and study at time of land management plan revision need only be done if changed circumstances warrant additional review of eligibility or if the Responsible Official decides to evaluate suitability for one or more eligible rivers in the planning process. Otherwise, the process need not be revisited in land management planning. Document this in the revised land management plan.

81.3 – Establishing Study River Termini and Area Boundaries

Identify the beginning and ending points for the study. Consider the entire river system, including the interrelationship between tributaries and mainstem and associated ecosystems. As a minimum, a river study area shall include the length of the identified river segment and one-quarter mile in width from each bank of the river. Boundaries may include adjacent areas needed to protect the resources or facilitate management of the river area. This is particularly true of those resources identified as outstandingly remarkable. An example of an expanded boundary would be to extend the study river corridor to the top of the ridge, to the edge of the floodplain, or to include the confluence area of a tributary stream.

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82 – ASSESSMENT OF STUDY RIVERS

The assessment of a river(s) identified as having potential for wild and scenic river designation follows a three-step process:

1. Determination of eligibility.
2. Potential classification (wild, scenic, or recreational).
3. Determination of suitability.

82.1 – Eligibility

The eligibility of a river for the National Wild and Scenic Rivers System (National System) is determined by applying the criteria in sections 1(b) and 2(b) of the Wild and Scenic Rivers Act of October 2, 1968 (act) as further described in the United States Department of Agriculture and United States Department of the Interior Guidelines for Eligibility, Classification and Management of River Areas dated September 7, 1982 (USDA-USDI Guidelines) found at FSH 1909.12, chapter 90. To be eligible for inclusion, a river must be free-flowing and, with its adjacent land area, possess one or more “outstandingly remarkable” values. The determination of eligibility is an assessment that does not require a decision or approval document, although the results of this inventory need to be documented as a part of the plan document or plan set of documents.

82.11 – Segments

To determine eligibility and the possible later determination of river classification (sec. 82.3), it may be necessary to divide a study river into segments. In defining segment termini, consider:

1. Obvious changes in land status or ownership.
2. Changes in river character, such as the presence of dams and reservoirs.
3. Significant changes in development.
4. The presence of important resource values.

There is no standard established for segment length. A river segment should be long enough to enable the protection of the outstandingly remarkable values if the area were managed as a wild, scenic, or recreational river.

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82.12 – Free-flowing

The act defines free-flowing as existing or flowing in a natural condition without impoundment, diversion, straightening, rip-rapping, or other modification of the waterway. The existence of low dams, diversion works, or other minor structures at the time any river is proposed for inclusion in the National System does not automatically disqualify it for designation, but future construction of such structures is not allowed. The USDA-USDI Guidelines state that, “The fact that a river segment may flow between large impoundments will not necessarily preclude its designation. Such segments may qualify if conditions within the segment meet the eligibility criteria.”

82.13 – Flows

There are no specific requirements concerning minimum flows for an eligible segment. Flows are considered sufficient for eligibility if they sustain or complement the outstandingly remarkable values for which the river would be designated.

82.14 – Outstandingly Remarkable Values

For a river to be eligible for designation to the National System, the river, with its adjacent land area, must have one or more outstandingly remarkable values. There are a variety of methods to determine that certain river-related values are so unique, rare, or exemplary as to make them outstandingly remarkable. The determination that a river area contains outstanding values is a professional judgment on the part of an interdisciplinary team, based on objective, scientific analysis. Input from organizations and individuals familiar with specific river resources should be sought and documented as part of the process.

In order to be assessed as outstandingly remarkable, a river-related value must be a unique, rare, or exemplary feature that is significant at a comparative regional or national scale. A river-related value would be a conspicuous example of that value from among a number of similar examples that are themselves uncommon or extraordinary.

The interdisciplinary team must identify the area of consideration that will serve as the basis for meaningful comparative analysis. This area of consideration is not fixed; it may be a national forest, grassland, prairie, or comparable administrative unit, a portion of a state, or an appropriately scaled physiographic or hydrologic unit. Once the area of consideration is identified, a river’s values can then be analyzed in comparison with other rivers.

While the spectrum of resources that may be considered is broad, all features considered should be directly river-related. That is, they should:

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1. Be located in the river or on its immediate shorelands (within 1/4 mile on either side of the river);
2. Contribute substantially to the functioning of the river ecosystem; and/or
3. Owe their location or existence to the presence of the river.

82.14a – Eligibility Criteria

The following eligibility criteria are offered to foster greater consistency within the agency and with other federal river-administering agencies. They are intended to set minimum thresholds to establish outstandingly remarkable values and are illustrative and not all-inclusive. These criteria may be modified to make them more meaningful in the area of comparison, and additional criteria may be included.

1. Scenery. The landscape elements of landform, vegetation, water, color, and related factors result in notable or exemplary visual features and/or attractions. When analyzing scenic values, additional factors such as seasonal variations in vegetation, scale of cultural modifications, and the length of time negative intrusions are viewed, may be considered. Scenery and visual attractions may be highly diverse over the majority of the river or river segment.

2. Recreation. Recreational opportunities are, or have the potential to be, popular enough to attract visitors from throughout or beyond the region of comparison or are unique or rare within the region. River-related opportunities include, but are not limited to, sightseeing, interpretation, wildlife observation, camping, photography, hiking, fishing, hunting, and boating. The river may provide settings for national or regional usage or competitive events.

3. Geology. The river, or the area within the river corridor, contains one or more examples of a geologic feature, process, or phenomenon that is unique or rare within the region of comparison. The feature(s) may be in an unusually active stage of development, represent a “textbook” example, and/or represent a unique or rare combination of geologic features (erosional, volcanic, glacial, or other geologic structures).

4. Fish. Fish values may be judged on the relative merits of either fish populations or habitat, or a combination of these river-related conditions.

a. Populations. The river is nationally or regionally an important producer of resident and/or anadromous fish species. Of particular significance is the presence of wild stocks and/or federal or state listed or candidate threatened, endangered, or sensitive species. Diversity of species is an important consideration and could, in itself, lead to a determination of outstandingly remarkable.

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- b. Habitat. The river provides exceptionally high quality habitat for fish species indigenous to the region of comparison. Of particular significance is habitat for wild stocks and/or federal or state listed or candidate threatened, endangered, or sensitive species. Diversity of habitats is an important consideration and could, in itself, lead to a determination of outstandingly remarkable.
5. Wildlife. Wildlife values may be judged on the relative merits of either terrestrial or aquatic wildlife populations or habitat, or a combination of these conditions.
- a. Populations. The river, or area within the river corridor, contains nationally or regionally important populations of indigenous wildlife species. Of particular significance are species considered to be unique, and/or populations of federal or state listed or candidate threatened, endangered, or sensitive species. Diversity of species is an important consideration and could, in itself, lead to a determination of outstandingly remarkable.
- b. Habitat. The river, or area within the river corridor, provides exceptionally high quality habitat for wildlife of national or regional significance, and/or may provide unique habitat or a critical link in habitat conditions for federal or state listed or candidate threatened, endangered, or sensitive species. Contiguous habitat conditions are such that the biological needs of the species are met. Diversity of habitat is an important consideration and could, in itself, lead to a determination of outstandingly remarkable.
6. Historic and Cultural. The river, or area within the river corridor, contains important evidence of occupation or use by humans. Sites may have national or regional importance for interpreting history or prehistory.
- a. History. Site(s) or feature(s) associated with a significant event, an important person, or a cultural activity of the past that was rare or one-of-a-kind in the region. A historic site or feature, in most cases, is 50 years old or older.
- b. Pre-history. Sites may have unique or rare characteristics or exceptional human interest value; represent an area where a culture or cultural period was first identified and described; may have been used concurrently by two or more cultural groups; or may have been used by cultural groups for rare sacred purposes.
7. Other Values. While no specific national evaluation guidelines have been developed for the “other similar values” category, assessments of additional river-related values consistent with the foregoing guidance may be developed, including, but not limited to, hydrology, paleontology, and botany resources.

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82.2 – Ineligible Rivers

82.21 – Legislatively Mandated Study

If a legislatively mandated study river under section 5(a) of the Wild and Scenic Rivers Act of October 2, 1968 (act) is found ineligible, the study report should describe the basis for the ineligibility determination. The study report should be submitted to the Chief for review. After the Chief's review, the Director, Wilderness and Wild and Scenic Rivers Staff, Washington Office shall prepare it for submittal to the Secretary's Office for review prior to submitting it to the President. The study report will then be transmitted to Congress in accordance with section 7(b) of the act, and the Secretary of Agriculture shall publish a notice in the Federal Register 180 days after the Congressional notification that such a determination has been made. This notice should also include a reference to termination of related National Environmental Policy Act (NEPA) analysis actions, thereby concurrently terminating activities if a notice of intent to prepare an environmental impact statement (EIS) was earlier published.

82.22 – Forest Service Identified Study

Study of rivers identified by the Forest Service under section 5(d)(1) of the act may be discontinued upon a finding of ineligibility in the land management planning process or a separate wild and scenic river study. In land management planning, documentation of the eligibility determination will be in an appendix to the land management plan EIS under the provisions of the planning regulations in effect before November 9, 2000 (1982 planning rule; See 36 CFR parts 200 to 299, revised as of July 1, 2000) or the plan set of documents under the 2005 planning rule (70 FR 1023). In other cases, the eligibility determination will be documented in the planning record and an appropriate notification sent to interested parties.

82.3 – Classification

The potential classification of a river found to be eligible is based on the condition of the river and the adjacent lands as they exist at the time of the study. Section 2(b) of the Wild and Scenic Rivers Act of October 2, 1968 specifies and defines three classification categories for eligible rivers:

1. Wild rivers.
2. Scenic rivers.
3. Recreational rivers.

The United States Department of Agriculture and United States Department of the Interior Guidelines for Eligibility, Classification and Management of River Areas dated September 7, 1982 (USDA-USDI Guidelines) for classification criteria for wild, scenic, and recreational river areas are found in exhibit 01.

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82.3 – Exhibit 01

Classification Criteria for Wild, Scenic, and Recreational River Areas

<u>ATTRIBUTE</u>	<u>WILD</u>	<u>SCENIC</u>	<u>RECREATIONAL</u>
Water Resource Development	Free of impoundment.	Free of impoundment.	Some existing impoundment or diversion.
			The existence of low dams, diversions, or other modifications of the waterway is acceptable, provided the waterway remains generally natural and riverine in appearance.
Shoreline Development	Essentially primitive. Little or no evidence of human activity.	Largely primitive and undeveloped. No substantial evidence of human activity.	Some development. Substantial evidence of human activity.
	The presence of a few inconspicuous structures, particularly those of historic or cultural value, is acceptable.	The presence of small communities or dispersed dwellings or farm structures is acceptable.	The presence of extensive residential development and a few commercial structures is acceptable.
	A limited amount of domestic livestock grazing or hay production is acceptable.	The presence of grazing, hay production, or row crops is acceptable.	Lands may have been developed for the full range of agricultural and forestry uses.

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82.3 – Exhibit 01--Continued

<u>ATTRIBUTE</u>	<u>WILD</u>	<u>SCENIC</u>	<u>RECREATIONAL</u>
(Shoreline Development – continued)	Little or no evidence of past timber harvest. No ongoing timber harvest.	Evidence of past or ongoing timber harvest is acceptable, provided the forest appears natural from the riverbank.	May show evidence of past and ongoing timber harvest.
Accessibility	Generally inaccessible except by trail.	Accessible in places by road.	Readily accessible by road or railroad.
	No roads, railroads or other provision for vehicular travel within the river area. A few existing roads leading to the boundary of the area are acceptable.	Roads may occasionally reach or bridge the river. The existence of short stretches of conspicuous or longer stretches of inconspicuous roads or railroads is acceptable.	The existence of parallel roads or railroads on one or both banks as well as bridge crossings and other river access points is acceptable.
Water Quality	Meets or exceeds criteria or federally approved state standards for aesthetics, for propagation of fish and wildlife normally adapted to the habitat of the river, and for primary contact recreation (swimming) except where exceeded by natural conditions.	No criteria are prescribed by the Wild and Scenic Rivers Act. The Federal Water Pollution Control Act Amendments of 1972 have made it a national goal that all waters of the United States are made fishable and swimmable. Therefore, rivers will not be precluded from scenic or recreational classification because of poor water quality at the time of their study, provided a water quality improvement plan exists or is being developed in compliance with applicable federal and state laws.	

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82.4 – Suitability

A suitability study provides the basis for determining which rivers to recommend to Congress as potential additions to the National Wild and Scenic Rivers System (National System). Suitability is designed to answer these questions:

1. Should the river's free-flowing character, water quality, and outstandingly remarkable values be protected, or are one or more other uses important enough to warrant doing otherwise?
2. Will the river's free-flowing character, water quality, and outstandingly remarkable values be protected through designation? Is designation the best method for protecting the river corridor? In answering these questions, the benefits and impacts of wild and scenic river designation must be evaluated and alternative protection methods considered.
3. Is there a demonstrated commitment to protect the river by any nonfederal entities that may be partially responsible for implementing protective management?

82.41 – Basis for Suitability

As provided in sections 4(a) and 5(c) of the Wild and Scenic Rivers Act of October 2, 1968, the following factors should be considered and, as appropriate, documented as a basis for the suitability determination for each river:

1. Characteristics that do or do not make the area a worthy addition to the National System. These characteristics are described in the act (paras. 2 through 7) and may include additional suitability factors in paragraphs 8 through 13.
2. The current status of land ownership and use in the area.
3. The reasonably foreseeable potential uses of the land and water that would be enhanced, foreclosed, or curtailed if the area were included in the National System.
4. The federal agency that will administer the area should it be added to the National System.
5. The extent to which the agency proposes that administration of the river, including the costs thereof, be shared by state and local agencies.
6. The estimated cost to the United States of acquiring necessary lands and interests in land and of administering the area should it be added to the National System.

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7. A determination of the degree to which the state or its political subdivisions might participate in the preservation and administration of the river should it be proposed for inclusion in the National System.

The following additional suitability factors may also be considered:

8. An evaluation of the adequacy of local zoning and other land use controls in protecting the river's outstandingly remarkable values by preventing incompatible development.

9. The state/local government's ability to manage and protect the outstandingly remarkable values on nonfederal lands. This factor requires an evaluation of the river protection mechanisms available through the authority of state and local governments. Such mechanisms may include, for example, statewide programs related to population growth management, vegetation management, water quantity or quality, or protection of river-related values such as open space and historic areas.

10. Support or opposition to designation. Assessment of this factor will define the political context. The interest in designation or nondesignation by federal agencies; state, local and tribal governments; national and local publics; and the state's Congressional delegation should be considered.

11. The consistency of designation with other agency plans, programs, or policies and in meeting regional objectives. Designation may help or impede the goals of Tribal governments, or other federal, state or local agencies. For example, designation of a river may contribute to state or regional protection objectives for fish and wildlife resources. Similarly, adding a river that includes a limited recreation activity or setting to the National System may help meet statewide recreation goals. Designation might, however, limit irrigation and/or flood control measures in a manner inconsistent with regional socioeconomic goals.

12. The contribution to river system or basin integrity. This factor reflects the benefits of a "systems" approach, for example, expanding the designated portion of a river in the National System or developing a legislative proposal for an entire river system (headwaters to mouth) or watershed. Numerous benefits may result from managing an entire river or watershed, including the ability to design a holistic protection strategy in partnership with other agencies and the public.

13. The potential for water resources development. The intent of the act is to preserve selected rivers from the harmful effects of water resources projects. Designation will limit development of water resources projects as diverse as irrigation and flood control measures, hydropower facilities, dredging, diversion, and channelization.

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82.5 – Interim Management of Eligible or Suitable Rivers

During interim management of eligible or suitable rivers, the following management guidelines are to be used when carrying out projects and activities for the National Forest System for each of the river classifications in this section.

Legislatively mandated study rivers as defined in section 5(a) of the Wild and Scenic Rivers Act of October 2, 1968 (act) are afforded statutory protection under the act, including section 7(b), water resources projects; section 8(b), land disposition; section 9(b), mining and mineral leasing; and section 12(a), management policies. Protection of Forest Service identified study rivers (sec. 5(d)(1) of the act) derives from other existing authorities (such as the Clean Water Act, the Endangered Species Act, and the Archeological Resources Protection Act).

To the extent the Forest Service is authorized by statute, a Responsible Official may authorize site-specific projects and activities on NFS lands within river corridors eligible or suitable only where the project and activities are consistent with all of the following:

1. The free-flowing character of the identified river is not modified by the construction or development of stream impoundments, diversions, or other water resources projects.
2. Outstandingly remarkable values of the identified river area are protected.
3. For all legislatively mandated study rivers, classification must be maintained as inventoried until the study report is received by Congress and for the protection period specified in the act, even if the study report recommends managing the river at a less restrictive class (such as from wild to scenic or scenic to recreational).
4. For all Forest Service identified study rivers, classification must be maintained as inventoried unless a suitability study (decision) is completed that recommends management at a less restrictive classification (such as from wild to scenic or scenic to recreational).

82.51 – Management Guidelines for Eligible or Suitable Rivers

The following guidelines apply to interim management of eligible or suitable rivers and Responsible Officials should apply these on NFS lands or where the Forest Service holds an interest on nonfederal lands such as rights acquired through scenic or access easements to protect river values. These guidelines may be applied to interim management of wild and scenic rivers governed by the specific language in sections 7(a), water resources projects; 8(a), land disposition; 9(a), mining and mineral leasing; and 12(a) management policies (FSM 2354).

The following protection guidelines shall be continued until a decision is made on the future use of the river and adjacent lands. Section 5(a) study rivers shall be protected, as directed in sections 7(b), 8(b), 9(b), and 12(a) of the act for the period specified in section 7(b). The

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protection period is three years from the date the study report is transmitted to the Congress. The protection necessary to maintain a section 5(d)(1) study river as a potential wild and scenic river may be modified or discontinued for identified rivers upon a finding of ineligibility or nonsuitability. (See the review and approval process in FSH 1909.12, section 84.)

A Responsible Official may authorize site-specific projects and activities on NFS lands within river corridors eligible or suitable where the project and activities are consistent with the following:

1. Water Resources Projects (Water Supply/Flood Control).

Wild, Scenic, Recreational. Development of water supply dams, diversions, flood control works, and other water resources projects on a section 5(a) study river shall be analyzed under section 7(b) of the act. A water resources project is defined in Title 36, Code of Federal Regulations part 297 (36 CFR part 297) as the construction of developments that affect the river's free-flowing characteristics. Water resources projects determined to have a direct and adverse effect on river values (free-flow, water quality, and outstandingly remarkable values) under section 7(b) are prohibited. Water resources projects proposed on a section 5(d)(1) study river are not subject to section 7(b), but will be analyzed as to their effect on a river's free-flow, water quality, and outstandingly remarkable values, with adverse effects prevented to the extent of existing agency authorities (such as special-use authority).

2. Hydroelectric Power.

Wild, Scenic, Recreational. Development of hydroelectric power facilities is not allowed on or directly affecting a section 5(a) study river. This provision of section 7(b) of the act is interpreted as a prohibition of new hydroelectric facilities within the study boundary. Section 5(d)(1) study rivers found eligible are to be protected pending a suitability determination. Protect section 5(d)(1) study rivers found suitable for inclusion in the National Wild and Scenic Rivers System (National System) for their free-flowing condition, water quality, and outstandingly remarkable values.

3. Minerals.

a. Wild.

(1) Locatable. Subject to valid existing rights, mining claims are prohibited within 1/4 mile of a section 5(a) study river under section 9(b) of the act. Existing mining activity on a section 5(a) study river and existing or new mining activity on a section 5(d)(1) study river are subject to regulations in 36 CFR part 228 and shall be conducted in a manner that minimizes surface disturbance, sedimentation and pollution, and visual impairment.

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(2) Leasable. Leases, licenses, and permits under mineral leasing laws are subject to conditions necessary to protect the values of the river corridor in the event it is subsequently included in the National System.

(3) Saleable. Disposal of saleable mineral material is prohibited to protect river values.

b. Scenic, Recreational.

(1) Locatable. Subject to valid existing rights, mining claims are prohibited within 1/4 mile of a section 5(a) study river under section 9(b) of the Act. Existing mining activity on a section 5(a) study river and existing or new mining activity on a section 5(d)(1) study river are subject to regulations in 36 CFR part 228 and must be conducted in a manner that minimizes surface disturbance, sedimentation and pollution, and visual impairment.

(2) Leasable. Leases, licenses, and permits under mineral leasing laws would be subject to conditions necessary to protect the values of the river corridor in the event it is subsequently included in the National System.

(3) Saleable. Saleable mineral material disposal is allowed if the values for which the river may be included in the National System are protected.

4. Transportation System.

a. Wild. New roads are not generally compatible with this classification. A few existing roads leading to the boundary of the river corridor may be acceptable. New trail construction should generally be designed for nonmotorized uses. However, limited motorized uses that are compatible with identified values and unobtrusive trail bridges may be allowed. New airfields may not be developed.

b. Scenic. New roads and railroads are permitted to parallel the river for short segments or bridge the river if such construction fully protects river values (including river's free-flowing character). Bridge crossings and river access are allowed. New trail construction or airfields must be compatible with and fully protect identified values.

c. Recreational. New roads and railroads are permitted to parallel the river if such construction fully protects river values (including river's free-flowing character). Bridge crossings and river access are allowed. New trail construction or airfields must be compatible with and fully protect identified values.

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5. Utility Proposal.

a. Wild, Scenic, Recreational. New transmission lines such as gas lines, water lines, and so forth are discouraged. Where no reasonable alternative exists, additional or new facilities should be restricted to existing rights-of-way. Where new rights-of-way are indicated, the project shall be evaluated as to its effect on the river's outstandingly remarkable values and classification. Any portion of a utility proposal that has the potential to affect the river's free-flowing character shall be evaluated as a water resources project.

6. Recreation Development.

a. Wild. Major public-use areas such as large campgrounds, interpretive centers, or administrative headquarters should be located outside the river corridor. Minimum facilities may be provided in keeping with the essentially primitive character. If sanitation and convenience facilities are necessary, locate them at access points or at a sufficient distance from the river bank so that they are not visible from the river. Prevent impacts to water quality and other identified river values.

b. Scenic. Public-use facilities such as moderate-size campgrounds, simple sanitation and convenience facilities, public information centers, administrative sites, or river access developments and so forth are allowed within the river corridor. All facilities shall be located and designed to harmonize with their natural and cultural settings, protect identified river values including water quality, and be screened from view from the river to the extent possible.

c. Recreational. Recreation, administrative, and river access facilities may be located in close proximity to the river. However, recreational classification does not require extensive recreation development. All facilities shall be located and designed to harmonize with their natural and cultural settings, protect identified river values including water quality, and be screened from view from the river to the extent possible.

7. Motorized Travel.

a. Wild. Motorized travel on land or water may be permitted, but is generally not compatible with this classification.

b. Scenic, Recreational. Motorized travel on land or water may be permitted, prohibited, or restricted to protect the river values.

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8. Wildlife and Fish Projects.

a. Wild. Construction of minor structures and vegetation management to protect and enhance wildlife and fish habitat should harmonize with the area's essentially primitive character and fully protect identified river values. Any portion of a wildlife or fisheries restoration or enhancement project that has the potential to affect the river's free-flowing character shall be evaluated as a water resources project.

b. Scenic. Construction of structures and vegetation management to protect and enhance wildlife and fish habitat should harmonize with the area's largely undeveloped character and fully protect identified river values. Any portion of a wildlife or fisheries restoration or enhancement project that has the potential to affect the free-flowing character shall be evaluated as a water resources project.

c. Recreational. Construction of structures and vegetation management to protect and enhance wildlife and fish habitat should fully protect identified river values. Any portion of a wildlife or fisheries restoration or enhancement project that has the potential to affect the river's free-flowing character shall be evaluated as a water resources project.

9. Vegetation Management.

a. Wild. Cutting of trees and other vegetation is not permitted except when needed in association with a primitive recreation experience such as to clear trails or to protect users or the environment, including wildfire suppression. Prescribed fire and wildland fire use may be used to restore or maintain habitat for threatened, endangered, or sensitive species and/or restore the historic range of variability.

b. Scenic, Recreational. A range of vegetation management and timber harvest practices are allowed, provided that these practices are designed to protect, restore, or enhance the river environment, including the long-term scenic character.

10. Domestic Livestock Grazing.

a. Wild. Domestic livestock grazing should be managed to protect identified river values. Existing structures may be maintained. New facilities may be developed to facilitate livestock management so long as they maintain the values for which a river was found eligible or suitable, including the area's essentially primitive character.

b. Scenic. Domestic livestock grazing should be managed to protect identified river values. Existing structures may be maintained. New facilities may be developed to facilitate livestock management so long as they maintain the values for which a river was found eligible or suitable, including the area's largely undeveloped character.

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c. Recreational. Domestic livestock grazing should be managed to protect identified river values. Existing structures may be maintained. New facilities may be developed to facilitate livestock management so long as they maintain the values for which a river was found eligible or suitable.

82.52 – Land Management Plan Guidance

The management guidelines specified in section 82.51 should not be repeated in land management plans. Plan components should be consistent with river management guidelines. A plan should include the following:

1. Guidance to ensure that Responsible Officials consider river management guidelines (FSH 1909.12, sec. 82.5 and 82.51) when authorizing projects and activities.
2. For interim management of eligible or suitable rivers, the special area recommendation should include the desired conditions, objectives, guidelines, and suitability of areas to be used in the design of projects and activities consistent with management guidelines of eligible or suitable rivers at FSH 1909.12, section 82.51.
3. For designated river corridors, the special area (FSM 1921.16) description should include the desired conditions, objectives, guidelines, and suitability of areas to be used in the design of projects and activities consistent with the United States Department of Agriculture and United States Department of the Interior Guidelines for Eligibility, Classification, and Management of River Areas dated September 7, 1982.

83 – THE STUDY PROCESS

A detailed study report shall be prepared for all rivers mandated for study under section 5(a) of the Wild and Scenic Rivers Act of October 2, 1968 (act), and for all other rivers identified by the Forest Service as eligible for inclusion in the National Wild and Scenic Rivers System (National System) (sec. 5(d)(1) of the act). The purpose of the study is to document the Forest Service's analysis and conclusions on the suitability of eligible rivers for designation as components of the National System.

83.1 – Wild and Scenic River Study in Land Management Plans

When river study is accomplished in the land management planning process, address all potential wild and scenic rivers flowing wholly or partially on NFS lands as identified in the Nationwide Rivers Inventory and by other sources (sec. 81.1). Unless a systematic inventory of eligible rivers has been completed (sec. 81.2), the land management planning team should develop and conduct a process to determine which rivers meet the eligibility criteria specified in sections 1(b)

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and 2(b) of the act. Document the finding of ineligibility (sec. 82.2) or eligibility and the river's potential classification in the land management plan EIS under 1982 planning rule (47 FR 43026, as amended) (1982 planning rule) or plan set of documents under the 2005 planning rule (70 FR 1023) (2005 planning rule).

The timing of conducting the suitability process may vary. The preferred process is to proceed with determining suitability in the land management planning process. An alternative is to delay the suitability determination of eligible rivers until a subsequent separate study is completed. If such delay is warranted, the land management plan shall provide for protection of the eligible river corridor until a decision is made on the future use of the river and adjacent lands.

Legislatively mandated studies may be included in the land management plan only when plan revision and the specified river study period are compatible. The study must meet the specific statutory requirements (sec. 84.2) and make a determination of the river's suitability or nonsuitability for designation. See FSH 1909.15 to determine the applicable NEPA documentation.

83.11 – Wild and Scenic River Suitability Study in Land Management Plan

When wild and scenic river suitability study is conducted in the revision of the land management plan, the EIS (1982 planning rule) or plan set of documents (2005 planning rule) accompanying the land management plan should address suitability factors, and alternatives (1982 planning rule) or options (2005 planning rule) related to wild and scenic river recommendation. The EIS or plan set of documents should discuss the existing conditions and likely environmental consequences (1982 planning rule) or trends (2005 planning rule) of wild and scenic recommendation on the identified river values and other resource activities.

83.12 – Contents of Wild and Scenic River Appendix

The land management plan EIS (1982 planning rule) or plan set of documents (2005 planning rule) should contain a single appendix for all rivers studied. This appendix should be self-contained so that, given a final decision to forward a recommendation to Congress, it can be extracted and combined with information from the EIS and record of decision (ROD) (1982 planning rule) to serve as the legislative environmental impact statement. Forests, grasslands, prairies and other comparable administrative units do not need to conduct additional analysis under the National Environmental Policy Act (NEPA) to support a legislative proposal for river designation under the 1982 planning rule. Under the 2005 planning rule, the wild and scenic river appendix is extracted to serve as the basis for any future legislative proposal and applicable NEPA document.

Within the appendix, there should be separate river narratives for each river or river system and a detailed map of the river corridor. The detailed river narrative is a synopsis of the pertinent information related to eligibility, classification, and suitability factors. Refer to section 84.11b, exhibit 01 for the contents of the summary information document.

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83.2 – Wild and Scenic River Suitability Study Separate From Land Management Plan

When wild and scenic river suitability study is not conducted in revision of the land management plan or when Congress mandates a study with a due date not compatible with land management plan revision under either planning rule, a combined study report and applicable National Environmental Policy Act (NEPA) document pursuant to NEPA may be prepared. (See FSH 1909.15 to determine the applicable NEPA documentation.) Where a forest, grassland, prairie, or comparable administrative unit contains more than one river designated by Congress for study or otherwise identified as eligible, the Responsible Official may combine study of such rivers into a comprehensive, forest, grassland, prairie, or other comparable administrative unit-wide study report as long as this approach meets Congressionally mandated deadlines and specific statutory requirements (sec. 84.2).

To meet the requirements of NEPA, Council on Environmental Quality (CEQ) regulations (1500-1508), FSM 1950, and FSH 1909.15, the river study report should be combined with any applicable NEPA document. The combined study report/applicable NEPA document needs to meet the content and format requirements of both the study report and the NEPA regulations.

Follow the procedures in FSH 1909.15. A study report/applicable NEPA document covering more than one river, such as a forest, grassland, prairie, or other comparable administrative unit-wide study report, should follow the same NEPA requirements as study report/applicable NEPA document for an individual river.

The United States Department of Agriculture and United States Department of the Interior Guidelines for Eligibility, Classification and Management of River Areas dated September 7, 1982 (USDA-USDI Guidelines) describe the way in which the required information should be presented in the study report. The following chapters should be included in the study report/applicable NEPA document.

Summary	
Table of Contents	
Chapter I	Purpose and Need for Action
Chapter II	Description of Area
Chapter III	Findings of Eligibility and Classification
Chapter IV	Alternatives Including the Proposed Action
Chapter V	Environmental Consequences
Chapter VI	Distribution of the Report
Chapter VII	List of Preparers
Appendix	

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83.21 – Purpose and Need for Action - Chapter I

State the proposed action, normally to study a river to determine suitability or unsuitability for recommendation as a wild and scenic river. In cases where a forest, grassland, prairie or other comparable administrative unit has a specific proposal, the proposed action may be a suitability recommendation for specific rivers or river segments by classification.

1. State the purpose and need for the proposal; for example, the underlying objective of the proposed action.
2. Explain why the proposed action is needed, citing the intent of the Wild and Scenic Rivers Act of October 2, 1968 (act) to protect select river's free-flowing character, water quality, and outstandingly remarkable values.
3. Describe the programmatic, as opposed to site-specific, nature of the study report/applicable NEPA document.
4. Explain the roles of the Forest Service, Secretary of Agriculture, and Congress in the study process.
5. Indicate whether the river study was conducted in response to Congressional direction or identification in the land management planning process.
6. Explain the concept of a combined study report/applicable NEPA document.

83.22 – Description of Area - Chapter II

This chapter is an overall description of the river corridor and the surrounding area. Provide the status of landownership and use in the area, a brief description of the regional setting, and clear and detailed maps and illustrations that show the area covered by the report. Describe as specifically as possible any potential developments such as water resource projects, roads, or private land use conversions.

83.23 – Findings of Eligibility and Classification - Chapter III

Summarize the eligibility determination to provide a clear and concise description of the river and its immediate environment. This section should focus on the river's free-flowing character and outstandingly remarkable values. Describe the unique, rare, or exemplary nature of the river's values (sec. 82.14). The description of river values should enable persons who have never seen the river to determine that the river has outstanding values worthy of protection.

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Potential classification should be based on the situation existing at the present time. It should not anticipate expected development or other changes along the river corridor; this is an aspect of evaluating suitability documented in chapters IV and V. The criteria listed in the USDA-USDI Guidelines are presented in section 82.3.

83.24 – Alternatives - Chapter IV

The suitability of the river for designation shall be evaluated in a series of alternative actions. Alternatives must reflect pertinent issues and opportunities, while meeting the purpose and need of the proposal to some extent (except the no action alternative).

An analysis of the existing situation provides the foundation for alternatives. The impacts of continuing present trends and uses should be identified in order to formulate reasonable alternatives.

The type and range of alternatives to consider will vary depending on the affected environment, issues, and opportunities associated with each specific river. However, every study report/applicable NEPA document must present an array of alternatives broad enough to encompass all reasonable proposals for use of the river area.

If the emphasis of the alternative is to protect the outstandingly remarkable values by means other than designation, describe any plan components needed, including guidelines. In all alternatives, include such guidelines as integral parts of the alternative.

In addition to a no action alternative that maintains current management, study reports shall generally include the following types of alternatives:

1. National designation of all eligible segments of the river.
2. Protection of eligible segments by means other than national designation.
3. Designation of some eligible segments. An alternative may also include a recommendation of eligible segment(s) at a less restrictive classification (for example, scenic to recreational) to allow a specific resource activity.

83.25 – Environmental Consequences - Chapter V

This chapter presents, by alternative, the reasonably foreseeable potential uses of the land and water that would be enhanced, foreclosed, or curtailed. State the general reasons and principles for acquisition of land or interest in land as the basis for disclosure of consequences. Include an estimate of the kinds and amounts of public use that can be accommodated without long-term or

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irreversible impacts on the values of the river area. Describe guidelines needed to meet the emphasis of each alternative, including their effectiveness. Refer to section 82.4 for additional detail. These principles and measures will provide the basis for a management plan, should Congressional designation of the river corridor occur.

83.26 – Distribution of the Report – Chapter VI

Follow the guidance in FSH 1909.15 for the preparation of this chapter.

83.27 – List of Preparers – Chapter VII

Follow the guidance in FSH 1909.15 for the preparation of this chapter.

83.28 – Appendix

Follow the guidance in FSH 1909.15 for the preparation of this chapter.

83.3 – Joint Study

Where a Forest Service identified river touches only a small part of NFS lands, the lead responsibility for studying the river should rest with either another federal agency or the state depending on who has jurisdiction over the largest proportion of the lands involved. In this situation, the Responsible Official should:

1. Contact the other federal and/or state agency to determine if or when they plan to study the river and/or invite the agency or state to participate in a joint study for the river either as part of the land management planning process or as a separate study report.
2. If the responsible agency or state declines to study the river or if its study schedule does not coincide with the Forest Service land management planning process, protect the river and adjacent lands of the river segment(s) on NFS lands as per FSH 1909.12, section 82.5.
3. Proceed to assess the segment's suitability on its own merits where the river segment that extends into the NFS lands would make a viable addition to the National Wild and Scenic Rivers System without the remainder of the river.

84 – THE REVIEW AND APPROVAL PROCESS

The procedure for review and approval of the combined wild and scenic river study report/applicable National Environmental Policy Act (NEPA) document varies depending on whether the study was initiated by the Forest Service or directed by Congress under sections

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5(d)(1) or 5(a) of the Wild and Scenic Rivers Act of October 2, 1968 (act), respectively. The review and approval process also varies depending on whether land management plan revision is conducted under the 1982 planning rule (47 FR 43026, as amended, 1982 planning rule) or the 2005 planning rule (70 FR 1023, 2005 planning rule).

For a Forest Service initiated study in which no river is recommended for inclusion in the National Wild and Scenic River System (National System), the study is concluded after paragraph 2 in sections 84.11a and 84.12a. For a legislatively mandated study in which an eligible river is not recommended for inclusion in the National System, the study shall follow the entire process outlined in section 84.2, except proposed legislation would not be prepared.

For studies in which the Forest Service recommends designation of a river into the National System, follow the procedures in sections 84.1 and 84.2.

84.1 – Forest Service Identified Study

A Forest Service identified Wild and Scenic River Study under section 5(d)(1) of the Wild and Scenic Rivers Act of October 2, 1968 (act) may be conducted in land management planning or through a separate study process.

84.11 – Proposals Resulting From Land Management Plan

84.11a – Evaluation

1. Prepare the proposed land management plan and accompanying draft environmental impact statement (DEIS) as outlined in FSM 1926 (1982 planning rule) or proposed land management plan and accompanying plan set of documents as outlined in FSM 1921 (2005 planning rule). Information on rivers that were evaluated for potential wild and scenic river designation must be included in the appropriate planning documents for public review.

2. Prepare the planning documents following analysis of the comments received on the proposed land management plan/DEIS (1982 planning rule) or proposed land management plan/plan set of documents (2005 planning rule) as outlined in FSM 1926 or 1921. The wild and scenic river proposal in the EIS and the ROD (1982 planning rule) or plan approval document and plan set of documents (2005 planning rule) should be identified as a “preliminary administrative recommendation for wild and scenic river designation.” Use the following statement in the ROD or plan approval document.

This recommendation is a preliminary administrative recommendation that will receive further review and possible modification by the Chief of the Forest Service, Secretary of Agriculture, and the President of the United States. The Congress has reserved the authority to make final decisions on designation of rivers as part of the National Wild and Scenic Rivers System.

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The plan is effective 30 days after publication of notice of its approval (36 CFR part 219). Implementation of the plan is not dependent on final resolution of the wild and scenic river proposal.

84.11b – Agency Recommendation

Once the Chief has determined that the Forest Service intends to make a final recommendation for inclusion of rivers into the National System to the Secretary, the Regional Forester shall:

1. Prepare the applicable NEPA document to support the legislative proposal resulting from preliminary administrative recommendations under the 2005 planning rule. No additional analysis under NEPA is necessary to support a legislative proposal for rivers recommended for designation under the 1982 planning rule. The wild and scenic river appendix and river study included in the EIS and documented in the ROD constitute the NEPA documentation.
2. Work with the Director, Legislative Affairs Staff, Washington Office to submit a legislative proposal (summary information document (ex. 01), a draft transmittal letter from the Secretary of Agriculture to the Congress, draft legislation, and any other supporting documents). Refer to section 84.23, exhibit 01 and adapt transmittal letter for a Forest Service identified study.
3. Forward the legislative proposal (para. 2) to the Chief as background information for the Department, Office of Management and Budget, and Congressional members and staffs.

Review and approval of the legislative proposal follows the same steps beginning with the last paragraph of section 84.23 for legislatively mandated studies, except the Secretary transmits the recommendation to Congress.

Following Congressional action, the plan may require amendment if the action taken by Congress is different than that described in the plan.

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84.11b – Exhibit 01

Summary Information Document

The following template describes the organization and content of the “summary information document,” an essential element of the land management plan Wild and Scenic River Appendix. This detailed river narrative is a synopsis of the pertinent information related to eligibility, classification, and suitability of a specific river evaluated in the land management plan revision process.

STUDY AREA SUMMARY - Provide locational information and include a map.

Name of River: xxxx

Location: Describe the entire length studied, for instance, from its headwaters to confluence with xx. Additionally, describe each segment, such as:

Segment x - Define termini (including legal description, as necessary). Indicate river miles.

River Mileage: Indicate the entire miles of river studied and portion determined to be eligible.

Studied: xx miles
Eligible: xx miles

ELIGIBILITY - Include determination of river’s free-flow and whether it possesses one or more outstandingly remarkable value.

Determination of Free-flow: Describe the assessment of the river’s free-flow, by segment, if necessary.

Determination of Outstandingly Remarkable Values: Summarize the individual resource findings by listing the values identified as an outstandingly remarkable value with a brief rationale (sec. 82.14).

CLASSIFICATION - Detail the inventoried classification. Describe the basis for the classification of each river segment; for example, the level of development from criteria provided in the USDA-USDI Guidelines (sec. 82.3).

SUITABILITY REPORT - Comprised of two parts: an objective description of attributes of the river corridor and a subjective evaluation of “suitability factors.”

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84.11b – Exhibit 01--Continued

Description: Provide narrative that objectively describes the following aspects of the river corridor.

Landownership and Land Uses - This section should include the estimated number of acres in the river corridor by ownership. The accompanying narrative should also provide relevant detail on the ownership pattern. For a complicated ownership pattern, it may be useful to include a description of ownership by river mile, such as:

River Mile	Ownership
0 - 1	State Parks Campground
1 - 3	Private land south (20-acre lot size) NFS north
3 - 5	Pine Meadows Subdivision (1-acre lot size)

Describe existing and potential land uses based on county zoning/state regulations, as applicable.

Mineral and Energy Resource Activities - Indicate existing locatable and leasable mineral and energy resources development. In addition, the narrative should include an evaluation of the potential for locatable and leasable mineral and energy resources.

Water Resources Development - Describe the existing construction that affects the river's free-flowing condition (such as diversions and rip-rap). Importantly, this section should also describe the potential of the river area to be used for hydroelectric power production (as evidenced by historical and current preliminary Federal Energy Regulatory Commission permits or license applications).

Transportation, Facilities and Other Developments - Provide a description of the transportation system within the river corridor. This should include the jurisdiction/ownership of roads. Describe also the trail system and federal and private facilities and other developments.

Recreation Activities - Describe existing and potential recreation uses. Consider developed, dispersed, and trail use on federal and other ownerships.

Other Resource Activities - Describe the existing and potential uses of the river corridor other than recreation uses. This section may include, but is not limited to, timber harvest, livestock grazing, farming, and so on across all ownerships.

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84.11b – Exhibit 01--Continued

Special Areas - Discuss any special areas (36 CFR 219.7(a)(2)(v)) within the river corridor. Examples include, but are not limited to, wilderness, national recreation area, scenic byway, research natural area, and state-designated waterway. Enough detail should be provided for the reader to understand the intent and authorities associated with a particular designation.

Socio-economic Environment - Describe the general socio-economic setting of the river corridor. This section might include reference to local communities' population structure and economic base.

Current Administration and Funding Needs if Designated - List the current administering agencies (such as the Forest, Service, county, tribes, and so on). Also include an estimate of the general administration, and operation and maintenance costs on an annual basis.

Suitability Factor Assessment: Summarize the detailed evaluation of suitability factors (sec. 82.4).

LAND MANAGEMENT PLAN ALTERNATIVES (1982 planning rule) OR OPTIONS (2005 planning rule) - Briefly describe how a particular river was evaluated (for example):

- | | |
|-------------------------|--|
| Alternative or Option A | No special designation, entire corridor to be managed as streamside management unit. |
| Alternative or Option B | No special designation, upper one-half to be managed as Scenic Travel Corridor, lower one-half as a Special Scenic Area. |
| Alternative or Option C | Entire eligible river recommended with Segment 1 = Wild, Segment 2 = Scenic classification |

SUITABILITY DETERMINATION FOR THE APPROVED PLAN - Describe the rationale for the suitability determination.

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84.12 – Proposals Resulting From Separate Study

84.12a – Evaluation

1. Prepare the Wild and Scenic River Study Report (sec. 83.2)/applicable NEPA document (FSH 1909.15). The administrative unit conducting the analysis needs to ensure review by other agencies, the governor of the involved state(s), tribes, and the public.

2. Prepare the final Wild and Scenic River Study Report/applicable NEPA document following analysis of the comments received, with review requirements as outlined in FSM 1924.12. The wild and scenic river proposal in this study report/applicable NEPA document should be identified as a “preliminary administrative recommendation for wild and scenic river designation.” Use the following statement to qualify in the applicable decision document.

This recommendation is a preliminary administrative recommendation that will receive further review and possible modification by the Chief of the Forest Service, Secretary of Agriculture, and the President of the United States. The Congress has reserved the authority to make final decisions on designation of rivers as part of the National Wild and Scenic Rivers System.

With this qualification the management direction contained in the final study report/applicable NEPA document may be implemented 30 days after publication of notice of its approval (36 CFR 219).

84.12b – Agency Recommendation

When the final study report/applicable NEPA document includes the determination that a river(s) is suitable for inclusion into the National System, upon request of the Chief, the Regional Forester shall:

1. Work with the Director, Legislative Affairs Staff, Washington Office to submit a legislative proposal (summary information document (sec. 84.11b, ex. 01), a draft transmittal letter from the Secretary of Agriculture to the Congress, draft legislation, and any other supporting documents). Refer to section 84.23, Exhibit 01 and adapt transmittal letter for a Forest Service identified study.

2. Forward the legislative proposal (paragraph 2) to the Chief as background information for the Department, Office of Management and Budget, and Congressional members and staffs.

Review and approval of the legislative proposal follows the same steps beginning with the last sentence of section 84.23 for legislatively mandated studies, except the Secretary may transmit the recommendation to Congress.

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Following congressional action, the plan may require amendment if the action taken by Congress is different from that described in the plan.

84.2 – Legislatively Mandated Study

84.21 – Study Report and Applicable National Environmental Policy Act Document

The Responsible Official prepares the combined study report and applicable National Environmental Policy Act (NEPA) document for legislatively mandated wild and scenic river study. See FSH 1909.15 to determine the applicable NEPA documentation.

1. The Regional Forester shall send two copies of the preliminary study report/applicable NEPA document to the Chief for review who authorizes the approval to print or request to make changes.

2. When the study report/applicable NEPA document is printed, the Regional Forester shall transmit 10 copies to the Chief. The Director, Wilderness and Wild and Scenic Rivers Staff, Washington Office prepares the transmittal letter from the Secretary to the heads of the following agencies, for a 90-day review as required in section 4(b) of the Wild and Scenic Rivers Act of October 2, 1968:

1. Secretary of the Interior.
2. Secretary of the Army.
3. Chairman of the Federal Energy Regulatory Commission.
4. Head of any other affected federal department or agency.
5. Governor of the state where the river is located (unless the federal government already owns, or has been authorized to purchase, the area within the proposed boundaries).

84.22 – Public Notice and Comment

The Director, Wilderness and Wild and Scenic Rivers Staff, Washington Office is responsible for sending any comments received from the other federal/state officials through the Regional Forester to the administrative unit conducting the analysis. This unit responds to these and other comment received on the draft study report, prepares a preliminary final study report/applicable NEPA document, and sends two copies upon Regional Forester concurrence to the Director, Wilderness and Wild and Scenic Rivers Staff, Washington Office. Upon Chief's approval, the responsible administrative unit prints the final study report/applicable NEPA document.

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84.23 – Approval Process

After printing of the final study report/applicable NEPA document, the Regional Forester shall:

1. Prepare a summary information document highlighting key information about the study river including a map showing the segments recommended for designation. See section 84.11b, exhibit 01, and adapt for a separate study.
2. Prepare a draft transmittal letter from the President to the Congress (ex. 01). This letter serves as a decision document.

The Region should also send 10 copies of the study report/applicable NEPA document to the Director, Wilderness and Wild and Scenic Rivers Staff, Washington Office for background and Office of Management and Budget (OMB) coordination.

84.23a – Office of Management and Budget Coordination

1. The Director, Legislative Affairs Staff, Washington Office works with the Region in preparation of proposed legislation for the designation(s) recommended in the study report. This legislation is in the form of an amendment to the Wild and Scenic Rivers Act. The proposed legislation and supporting documentation are transmitted to the Secretary of Agriculture with a cover letter for transmittal to OMB.
2. OMB coordinates the final review with other federal agencies and recommended changes resulting from this interagency review are usually incorporated into the transmittal letter or wording of the draft legislation. Occasionally, where significant changes occur, it may be necessary to revise the study report/applicable NEPA document.
3. When the OMB review is complete, the President signs and forwards the transmittal letter and legislative proposal including the study report/applicable NEPA document to the Congress. Copies of the study report/applicable NEPA document and the transmittal letter are then distributed to the public by the responsible administrative unit.

The proposal then awaits legislative action by the Congress.

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84.23 – Exhibit 01

Sample Transmittal Letter

Honorable (name)
President of the Senate
S-212 Capitol
Washington, D.C. 20510

Dear Mr. President: (or Dear Mr. Speaker)

I take pleasure in transmitting the enclosed study findings and report for the upper White Salmon River. Also enclosed is draft legislation “To amend the Wild and Scenic Rivers Act to designate a segment of the upper White Salmon River in the state of Washington as a component of the National Wild and Scenic Rivers System, and for other purposes.”

The Columbia River Gorge National Scenic Area Act of 1986 (P.L. 99-663) directed the study of the upper White Salmon River for possible designation into the National Wild and Scenic Rivers System. Based on the analysis documented in the enclosed *Final Legislative Environmental Impact Statement and Study Report for the upper White Salmon River*, I strongly support designation of this river and recommend introduction and enactment of the draft bill to preserve its free-flowing condition and outstandingly remarkable scenery, hydrologic and geologic features, and whitewater recreation.

The upper White Salmon River is located in south-central Washington, approximately 60 miles from the Portland metropolitan area and adjacent to the Columbia River Gorge National Scenic Area. A 38.4-mile segment is recommended for designation, from the headwaters of Cascade Creek and the White Salmon River on Mt. Adams (within the Gifford Pinchot National Forest) to the Gilmer Creek confluence. The segment of the White Salmon River from Gilmer Creek downstream to Buck Creek (8 miles) is an existing component of the National Wild and Scenic Rivers System.

The designated segment, which flows entirely through private lands, was added to the National Wild and Scenic Rivers System to protect and enhance the same outstandingly remarkable values identified in the upriver study process. Management activities on lands within the study corridor, and throughout the basin, influence the instream values of the study segment and the designated segment of the river. Adding the study segment, which was expanded to include the upstream headwaters on the national forest, to the National Wild and Scenic Rivers System would result in the entire, free-flowing portion of the White Salmon being administered as a system in partnership with local, state and federal agencies and tribes.

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84.23 – Exhibit 01--Continued

Of the 38.4 miles of the upper White Salmon (including Cascade Creek) recommended for designation, 6.7 miles in the Mt. Adams Wilderness would be classified as wild with the remaining 31.7 miles classified as scenic. The river segment extending from the boundary of the Gifford Pinchot National Forest downstream to the confluence of Gilmer Creek (18.4 miles) is currently managed under the provisions of a Shoreline Master Plan developed in accordance with the Washington State Shorelines Management Act of 1971. To provide managerial continuity and adequate protection for the predominantly instream resource values, the recommended boundary for this segment is the same as that contained in the Shoreline Master Plan – 200 horizontal feet from the ordinary high-water mark on each side of the river. This proposed river corridor would include approximately 7,279 acres, of which 6,400 acres are National Forest System lands, 12 acres are state of Washington lands, and 867 acres are private lands.

Other alternatives considered in the upper White Salmon study report include:

Alternative 1 – No action.

Alternative 2 – Manage the river by increasing enforcement of existing laws. The river, from the National Forest boundary downstream to Gilmer Creek, would be recommended for addition to the Washington State Scenic Rivers System.

Alternative 3 – Designate the entire 38.4 miles as a component of the National Wild and Scenic Rivers System. Management would be implemented by a committee composed of the Forest Service, Klickitat County, state of Washington, and the Yakama Indian Nation.

Alternative 4 – Designate the entire 38.4 miles as a component of the National Wild and Scenic Rivers System. Manage the river using a comprehensive program of federal acquisition to enhance river corridor resources and provide significantly more recreation opportunities with management implemented by the Forest Service.

The intent of designating the recommended segments would be to maintain the character of the upper White Salmon and its immediate shorelines close to the way it appears today. This intent is reflected in the goals of the Shoreline Management Act and the Wild and Scenic Rivers Act. Long-term protection of significant river-corridor resources, including rural lifestyle and local economy, would be provided through existing regulation (with increased enforcement and interagency coordination) supplemented by limited purchase of scenic easements or fee title to lands from willing sellers.

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84.23 – Exhibit 01--Continued

Designation of the upper White Salmon River would not have a significant effect on other resource values in the area. There are no proposed water resource developments, mining claims, or current mineral leases on the recommended section of this river. Potential timber harvest would not be significantly reduced. Recreational use in the river corridors is expected to increase slightly because of improved public access. Designation would also support continuation of agricultural practices on private lands.

A high level of public and other agency involvement was a key part of the study process and led to agreement on the recommendation of the designation of the upper White Salmon River as a component of the National Wild and Scenic Rivers System. The Klickitat County Board of Commissioners supports the designation of the entire White Salmon River.

The outstanding natural, scenic, and recreational values of the recommended segment of the upper White Salmon River are unique and irreplaceable resources. Adding this 38.4-mile segment to the existing White Salmon Wild and Scenic River would provide the best protection of the river and its immediate environment.

The Office of Management and Budget advises that there is no objection to the presentation of this proposed legislation from the standpoint of the Administration's program.

A similar letter is being sent to the Speaker of the House of Representatives.

Sincerely,

Enclosures

Note: A 5(d)(1) study may be forwarded to the Congress by the Secretary.

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85 – DESIGNATION

Rivers are designated as part of the National Wild and Scenic Rivers System as specified in section 2(a) of the Wild and Scenic Rivers Act of October 2, 1968 through:

1. An Act of Congress. Designated rivers are managed by one of four federal agencies: the Bureau of Land Management, the National Park Service, the U.S. Fish and Wildlife Service, and the USDA Forest Service.

2. Secretary of the Interior. This designation process requires an act of the legislature of the state or states through which a river flows, and subsequent application by the Governor(s) of the concerned state(s) to the Secretary of the Interior.